

City of Rockville
PLANNING COMMISSION

**Rules
of
Procedure**

PLANNING COMMISSION
City of Rockville, MD

RULES OF PROCEDURE

I. Powers and Duties

The powers and duties of the Commission are set forth in the Annotated Code of Maryland, Article 66B, and the Laws of Rockville.

II. Chairman

The Commission shall elect a Chairman from one of its appointed members to serve a term of one (1) year. The election shall be by a majority of the members, and take place at the first meeting in December, or such other time as designated by a majority of the members.

The Chairman shall preside at hearings and meetings of the Commission, may freely participate in debate, and shall call special meetings as needed. The Chairman shall designate a member of the Commission to serve in his absence; or in the absence of the such designee, a member selected by the Commission shall preside.

III. Staff

The Planning Division serves as staff to the Commission, and provides professional and clerical support. The staff shall prepare and maintain written minutes of all public meetings and hearings for approval by the Commission. The minutes shall record the outcome of each vote; and where a vote is by roll call, the vote of each member, upon each question, shall be recorded.

The staff, with the approval of the Commission, may record the meeting to aid in the preparation of minutes. The recording will not be the official record of the meeting, and will be destroyed upon approval of the written minutes.

IV. Filing and Application

Applications to be reviewed by the Planning Commission may be filed at any time during normal business hours with the City Clerk or Planning Division as required by the Laws of Rockville.

V. Meetings

A. Time and Place -- Generally, the Planning Commission holds two regular meetings on the first and third Wednesday of every month. Work sessions are generally scheduled for the second Wednesday as needed. The meetings are held in the City Hall or such other public place as determined by the Commission, and begin promptly at 7:30 p.m. No new agenda items will be taken up after 10:00 p.m., unless two-thirds of the Commissioners present consent. All meetings are public and open except that closed sessions may be held for the purposes set forth in Article 76A, Sections 7-15 of the Annotated Code of Maryland, and for certain deliberations as permitted by law.

B. Special Meetings -- Following at least twenty-four (24) hours notice (if possible) to each member of the Commission and reasonable public notice, as needed, special meetings may be called by the Chairman, or by a majority of the members of the Commission or upon request of the Mayor and Council.

C. Scheduling -- The number of meetings per month may vary depending upon the work load of the Commission. The Chairman and the staff shall determine if a meeting will take place based on the number of applications, review items, or other business that may come before the Commission.

D. Agenda -- The staff shall, with the concurrence of the Chairman, prepare a draft agenda which shall be available to the Commission and the public the Friday prior to the next meeting. Applications shall be placed on the agenda within a reasonable period following staff review. Items may be placed on future agendas by the Chairman or at the request of two Commissioners.

E. Public Notice -- The agenda shall be available in City Hall for a reasonable period prior to the meeting. Notice will be posted at City Hall on the day of each meeting.

F. Briefing Materials -- The staff shall furnish the Commission with briefing materials on the Friday prior to next meeting. Copies of staff reports shall be available to the public on the Monday prior to the meeting.

G. Quorum -- A majority of the members of the Commission constitutes a quorum for the transaction of business.

H. Absences -- Each member of the Commission who has knowledge of the fact that he/she will not be able to attend a scheduled meeting of the Planning Commission shall notify the Planning Division at City Hall, or the Chair, at the earliest possible opportunity.

I. Voting Order -- Voting will be by verbal vote, roll call, or show of hands at the discretion of the Chairman, with the Chairman voting last.

J. General Order of Business

1. The general order of business is as follows, but may vary from time to time at the discretion of the Chairman:

Consent Agenda

Scheduled Matters (order may vary)

- Public Hearings and Forums
- Subdivisions and Plats
- Use Permits and Special Development Procedures
- Recommendations to Board of Appeals or Mayor and Council (including special exceptions, variances, and appeals)
- Work Sessions

Other Matters

- Chief of Planning's Report
- FYI and Correspondence
- Old Business
- New Business
- Minutes

Adjournment

K. Rules of Order -- Unless otherwise specified herein, Robert's Rules of Order are generally followed.

L. Consent Agenda -- Items may be placed on a consent agenda for adoption as a group with a single motion to endorse the recommendation in the staff report and any recommended conditions. An item may be removed from the consent agenda at the request of any Commissioner, and will then be considered as a separate agenda item by the Commission. The types of review items to be placed on the consent agenda shall be agreed upon by the majority of the Commission.

M. Public Hearings -- In addition to those required by law or directed by the City Council, the Commission may, at its discretion, hold public hearings when it decides that such hearings will be in the public interest. The Commission may adopt such rules as are reasonably necessary for the orderly conduct of the hearing. Notice of public hearings shall be as required by law when applicable. For all required hearings, a transcript of the proceedings shall be made and kept in the case file. Hearings may be adjourned from time to time; and if the time and place of the continued hearing is publicly announced at the time of adjournment, no further notice of such continued hearing shall be required; otherwise, notice thereof shall be given as in the case of the original hearing.

N. Conduct of Business -- Applications and Review Items. Business will be conducted in the following manner:

1. Staff presents its report, if requested, and makes recommendations.
2. The Commission may ask questions regarding the staff presentation and recommendations.
3. Proponents of the agenda items and other interested parties may, at the discretion of the Commission, comment on the agenda items. The Commission may impose a time limitation on comments, and may otherwise regulate the time and manner in which comments are made. All questions shall be posed to the Commission. The Commission may, in turn, pose the question to staff or the appropriate party.
4. The Commission asks any questions it may have of proponents, opponents, or staff engages in discussion, and then takes a vote.

O. Decisions -- The Commission shall approve or deny an application. Failure to receive a majority vote for approval constitutes denial; failure to receive a majority vote for denial does not, however, constitute approval. An approved application may also be subject to any conditions the Commission deems necessary.

1. Recommendation -- On those items which the Commission acts in an advisory capacity to another decision-making body, the recommendation will be sent to the appropriate decision-making body in the form of a memo from the Commission. The memo will report the vote of the Commission, any conditions the Commission would recommend for the approval of the application, and any discussion that the Commission deems important to explain the application or the vote.
2. Notice of Decision -- The Commission shall provide written notice of its decision to the applicant in the form of a letter signed by the Chief of Planning. This letter shall be signed and returned to the Planning Division by the applicant to indicate agreement with any conditions attached to the approval.
3. Withdrawal -- An applicant may withdraw an application over which the Commission has final authority at any time prior to the agenda item being called and the presentation of the application has begun.
4. Postponement - The Commission may postpone an item of business or consideration thereof for consideration at a subsequent meeting at the discretion of the Chairman.

VI. Committees

The Commission may appoint committees made up of Commission members for specific purposes and advisory committees to the Commission to advise it on specific issues such as master planning, urban design, zoning, neighborhood planning, subdivision regulations, or other issues that a majority of the Commission feels are necessary for further study. The advisory committee shall be appointed in the following manner:

- A. Notice -- In the case of advisory committees, the Commission shall print a notice in the City newsletter of its intent to form a committee to allow interested citizens and/or professionals the opportunity to apply.
- B. Appointment -- The Chairman shall appoint the Chairman and members of the committee with the concurrence of a majority of the Planning Commission.
- C. Staff support -- A member of the Planning Division staff shall attend each meeting of the committee in an advisory capacity.
- D. Dissolution -- The commission can be dissolved at any time at the discretion of a majority of the members of the Commission.
- E. Rules -- Neighborhood Planning Advisory Groups (NPAG) shall be governed by the rules for such bodies previously adopted by the Planning Commission. Other advisory committees shall adopt procedural rules for conduct of business.

VII. Amending the Rules of Procedure

The rules of procedure may be amended at any meeting of the Commission by a majority of the Commission, provided that notice of said proposed amendment is given to each member in writing at least two weeks prior to said meeting.

VIII. Rules Not Jurisdictional

These Rules of Procedure serve as guide to the operation of the Commission. They do not constitute jurisdictional requirements, and do not confer rights or impose obligations not otherwise conferred or imposed by law. Failure of the Commission, its staff, or any party to comply with any provision of these Rules shall not invalidate any otherwise valid decision or action of the Commission.

IX. Separability

The provisions of these Rules are severable, and if any of their provisions are held invalid by any court of competent jurisdiction, the decision of such court shall not affect or impair any of the remaining provisions.

X. Conflict

Whenever any conflict occurs between these Rules, the Annotated Code of Maryland and the Laws of Rockville, the Annotated Code of Maryland and the Laws of Rockville shall prevail.

XI. Appeals

Unless another method of review is provided in Chapter 25 (Zoning and Planning Ordinance) of the "Laws of Rockville," any person aggrieved by any decision of the Commission may appeal the same to the Circuit Court for Montgomery County. Such appeals shall be taken according to the Maryland Rules as set forth in Chapter 1100, Subtitle B.

XII. Previously Adopted Rules

Rules previously adopted by the Planning Commission for NPAGs, Definition of Study Areas, Zones of Influence, and Areas of Critical Concern remain in effect, and are incorporated by reference into these Rules of Procedure. Copies of previously adopted Rules are available from the Planning Division.

XIII. Effective Date

These Rules shall be effective after adoption by a majority of the full Commission and filing with the City Clerk and Secretary of State Planning.

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Adopted June 1, 1988
Section III Amended September 26, 1990
Amended March 12, 1997

Table 2: Filing Time Requirements

Action	Code §	Applicant File	Clerk file w/ PC	PC file w/ BOA	Decisions
Continuation of Use under County Requirements	25-17		Within 5 days after acceptance for filing of application		
Appeal from PC denial of use permit (for city property)	25-39	With city clerk within 30 days from denial			
Notice of PC decision error of use permit	25-39	With city clerk within 10 days of appeal notice filing			
File application for use permit after BOA decision to IS	25-54	Within 6 months of BOA decision			
File and receive building permits after BOA decision	25-54	Within 12 months of BOA decision or time extension from use permit (construction must start w/in time)			
Recommendations on cases pending	25-55			7 days prior to public hearing	
Application for sign to sign review board	25-81	10 days prior to meeting			SRB –w/in 10 days from completion of hearing
Appeal of SRB decision	25-81	With BOA within 10 days after decision (BOA hearing w/in 45 days therefrom)			BOA decision within 10 days of hearing
Petition for reconsideration of rezoning or exploratory app. / concept plan decision	25-96, 25-560, 624, 653	With city clerk 20 days from Council decision ¹			
Answer to petition for reconsideration of rezoning or PUD exploratory application	25-96, 25-560				Council -10 days from filing petition
Application for zoning map amendment	25-118, 124, 125	With city clerk 12 months after last approval/ denial of reclassification ³	5 days after acceptance for filing		Council - 90 days from hearing must have decision ²
Affidavit of sign maintenance (alt affidavit allowed)	25-121, 556, 623	With city clerk at hearing or within 10 days from hearing			
PDP for Optional Method & Town Center Planning	25-326, 668, 682, & 710.30	With city clerk at hearing or within 10 days from hearing	Within 5 days after acceptance for filing of application		
Sign permit application	25-462				IS chief decide 15 days after filing or return if incomplete

Table 3: Notice Requirements

Application for Action	Mailed Notice	Published Notice	Posted Notice
BOA Variance Hearing	15 days before hearing (25-55) ¹		3 days from application filing (25-56)
Sign Application Hearing			3 days from application filing (25-81)
PC Annexation Hearing		15 days before hearing (25-99)	
Zoning Map Amendment	15 days prior to hearing (25-122)		3 days from application filing (25-121)
Failure to abate conditional rezoning violation	15 days prior to hearing (25-128) ²		
Preliminary Development Plan for Optional Method and Town Center Planning District	15 days prior to hearing (25-326, 668, 682, and 710.30 ref. 25-122)		3 days from application filing (25-326, 668, 682, and 710.30 ref. 25-121)
Mayor and Council variance for height requirements on wireless facilities	15 days before hearing (25-333 ref. 25-55) ¹		3 days from application filing (25-333 ref. 25-56)
Special Exceptions			3 days from application filing (25-337)
Special Development Procedures			3 days from application filing (25-488 calling SDPs special exceptions)
Exploratory Application for Development / Concept Plan application	15 days prior to hearing (25-556, 623, & 653 ref. 25-122)		3 days from application filing (25-556 PRUD, 623 RTD, 653 CPD ref 25-121)
Reconsideration of exploratory application (PRUD and RTD)	15 days prior to hearing (25-565 and 25-626 ref. 25-122)		

NOTE: There are also allusions in some sections of the code to state requirements. State requirements include the posting of notice in a newspaper of general circulation whenever planning regulations are determined, established, enforced, amended or repealed. MD Code 66B § 4.04(b)(2)(i)

1. There are no time limits for mailing of decision to all interested parties for BOA hearing, rezoning, special exceptions, exploratory or concept plan applications for development, sign permits or for the posting of an approved special exception on map by PC (25-337).
2. There are no posting time frames for PRUD sign posting though it is required (25-556).

CITY OF Annapolis
CODETitle 21 PLANNING AND ZONING**Chapter 21.18 ADMINISTRATIVE ADJUSTMENTS**21.18.010 Purpose and authority.21.18.020 Procedures.21.18.030 Permitted administrative adjustments.21.18.040 Review criteria and findings.21.18.050 Expiration.21.18.060 Appeals.**21.18.010 Purpose and authority.**

The Planning and Zoning Director is authorized to determine and make administrative adjustments of this Zoning Code in harmony with their general purpose and intent, only in the specific instances set forth in this Zoning Code, where the Director makes findings of fact in accordance with the standards prescribed in this chapter, and finds that there are practical difficulties in carrying out the regulations of this Zoning Code. (Ord. O-1-04 Revised (part), 2005)

21.18.020 Procedures.

A. Application Procedures. All applications for administrative adjustments shall be filed with the Planning and Zoning Director in accordance with the requirements of Section 21.10.010 Common Procedures for Review of Applications.

B. Posting of Property. Notice must be posted on the property that is the subject of the application in accordance with the requirements in Section 21.10.020(A).

C. Review Procedures. In the review and decision of administrative adjustment applications, the following procedures shall apply:

1. Staff Review. The Planning and Zoning Director, after having determined that the submission is complete, may distribute copies of the application to appropriate city departments for review.

2. Staff Report. Any City department reviewing the application will prepare a staff report on the application and transmit the staff report to the Planning and Zoning Director prior to the public hearing on the application.

3. Optional Public Hearing. The Planning and Zoning Director shall hold a public hearing on each application if an objection to the application is raised. Notice of any public hearing must be given by the applicant in accordance with the notice requirements set forth in Section 21.10.020(B) and 21.10.020(C).

4. Action on Application. Within thirty days of the conclusion of the public hearing, the Planning and Zoning Director shall decide to: (1) approve the application, (2) approve the application subject to specific conditions; or (3) deny the application. The Planning and Zoning Director's decision shall be based on written findings of fact and may impose such conditions or restrictions upon the premises benefited by an administrative adjustment as may be necessary to comply with the standards established in this chapter and the purposes of this Zoning Code.

5. Notice of Decision. At the applicant's expense, the Planning and Zoning Director will mail a copy of the decision to the applicant and any other party previously receiving notice of the

application. (Ord. O-1-04 Revised (part), 2005)

21.18.030 Permitted administrative adjustments.

Administrative adjustments from the regulations of this Zoning Code may be granted by the Planning and Zoning Director only in accordance with the criteria established in this chapter, and may be granted only for the following:

A. Setbacks. To permit any yard or setback of up to twenty percent less than a yard or a setback required by the applicable regulations.

B. Parking. To increase by not more than twenty percent the maximum distance that required parking spaces are permitted to be located from the use served.

C. Lot Coverage. To increase by not more than twenty percent the lot coverage restrictions, except that administrative adjustments of lot coverage restrictions shall not be permitted in the Critical Area Overlay District.

D. Signs. To adjust the limitations for signs in the specific instances set forth in Section 21.70.110.

E. Specific Zoning District Provisions. The zoning district provisions applicable to specific zoning districts, as provided in Division III, may authorize other permitted administrative adjustments. In Chapter 21.52, Critical Area Overlay, these adjustments are referred to as administrative variances. (Ord. O-1-04 Revised (part), 2005)

21.18.040 Review criteria and findings.

The Planning and Zoning Director shall not grant an administrative adjustment of the regulations of this Zoning Code unless the Director makes findings based upon the evidence presented in each specific case that:

A. Practical Difficulties. The particular physical surroundings, shape or topographical conditions of the specific property involved result in practical difficulties for the owner, which have not been created by any persons having an interest in the property.

B. Unique Conditions. The conditions upon which an application for an adjustment is based are unique to the property for which the administrative adjustment is sought, and are not applicable, generally, to other property within the same zoning classification.

C. Public Safety and Welfare. The granting of the adjustment will not be detrimental to the public safety or welfare or injurious to other property or improvements in the neighborhood in which the property is located.

D. Transportation Plan. In the case of an adjustment to the maximum distance that required parking spaces are permitted to be located from the use served, that the adjustment will be in support of a transportation plan adopted by the City Council. (Ord. O-1-04 Revised (part), 2005)

21.18.050 Expiration.

No decision of the Planning and Zoning Director granting an administrative adjustment shall be valid for a period longer than one year from the date of the order, unless the building permit is obtained within that period and the erection or alteration of a building is started or the use is commenced within that period. However, the Planning and Zoning Director may, upon a showing of good cause, grant one six month extension of an administrative adjustment, provided that a written application for each extension is filed while the decision is still valid. (Ord. O-1-04 Revised (part), 2005)

21.18.060 Appeals.

Any appeals of a decision of the Planning and Zoning Director must be made to the Board of

Appeals in conformance with the provisions of Chapter 21.30. (Ord. O-1-04 Revised (part), 2005)